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10/642,937	08/18/2003	Binh T. Nguyen	IGT1P280/P-836	4289

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EXAMINER
YOO, JASSON H

ART UNIT	PAPER NUMBER
3714	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/642,937	NGUYEN ET AL.
	Examiner	Art Unit	
	Jasson H. Yoo	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *12/28/07*.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-15,17-29 and 61-68* is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-15,17-29 and 61-68* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a)☐ All   b)☐ Some * c)☐ None of:

       1. ☐ Certified copies of the priority documents have been received.

       2. ☐ Certified copies of the priority documents have been received in Application No. _____.

       3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *1/2/08*.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/28/07 has been entered.

Claim Objections

Claim 61 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 61 is directed to an apparatus (computer readable medium) which incorporates the limitations of claim 1. However, Claim 1 is directed to a process (computer-implemented method).

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-15, 17-20 are rejected under 35 U.S.C. 112, first paragraph, as failing

to comply with the written description requirement. The claim(s) contains subject matter

which was not described in the specification in such a way as to reasonably convey to

one skilled in the relevant art that the inventor(s), at the time the application was filed,

had possession of the claimed invention. The claims incorporate the limitation of "the

first unit is not configured for playing the tournament when the first device is selected by

the player for playing the tournament" and "configuring the first unit for playing in the

tournament in response to receiving the identifier when the identifier is determined to be

authentic, thereby allowing the player to use the first gaming unit to join the tournament

process" (claims 1-15, 17-20). More specifically, Applicants disclose the gaming

machine is configured at block 8 of Fig. 20 and paragraph 239 of Applicants'

specification. Then the tournament game card is submitted after the gaming machine is

configured by loading the software at step 806. The tournament game card is

determined to be authentic at step 808 of Fig. 20.

Claims 1-15, 16-29, 61-68 are rejected under 35 U.S.C. 112, first paragraph, as

failing to comply with the enablement requirement. The claim(s) contains subject matter

which was not described in the specification in such a way as to enable one skilled in

the art to which it pertains, or with which it is most nearly connected, to make and/or use

the invention. The claims incorporate the limitation of determining a duration the player

may play in a tournament in progress, based on the identifier and the time remaining in

the tournament. It is not clear how the duration is based on the identifier and the time remaining in the tournament.

More specifically, Claims 6 and 24 incorporate the limitation of determining the duration based on the identifier comprises retrieving the duration from storage based on the identifier. Claims 7 and 25 incorporate the limitation of determining the duration based on the identifier comprises decoding the identifier to determine the duration. However, Applicants does not provide support on how the duration is based on retrieving the duration from storage based on the identifier or decoding the identifier to determine the duration if the duration is based on the time remaining in the tournament (as required by the independent claims 1 and 20).

Claims 8-15, 26-29, 65-66 incorporate the limitation of initializing a timer with the determined amount of time; starting the timer; and stopping the timer. It is not clear how the player could stop the timer of the duration, if the duration is based on the time remaining in the tournament. It appears that these are two different embodiments of the invention.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-15, 16-29, 61-68 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1-15, 16-29, 61-68 incorporate the limitation of determining a duration the player may play in a tournament in progress, based on the identifier and the time remaining in the tournament. It is not clear how the duration is based on the identifier and the time remaining in the tournament.

More specifically, Claims 6 and 24 incorporate the limitation of determining the duration based on the identifier comprises retrieving the duration from storage based on the identifier. Claims 7 and 25 incorporate the limitation of determining the duration based on the identifier comprises decoding the identifier to determine the duration. However, Applicants does not provide support on how the duration is based on retrieving the duration from storage based on the identifier or decoding the identifier to determine the duration if the duration is based on the time remaining in the tournament (as required by the independent claims 1 and 20). It appears that the invention claims 6, 7, 24 and 25 are distinct embodiments from the inventions of claims 1 and 20.

Claims 8-15, 26-29, 65-66 incorporate the limitation of initializing a timer with the determined amount of time; starting the timer; and stopping the timer. It is not clear how the player could stop the timer of the duration, if the duration is based on the time remaining in the tournament. It appears that these are two different embodiments of the invention.

Claims 1-15, 17-20, 62-66 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01.

The omitted steps are: what is receiving an identifier, determining the identifier, determining duration of play, enabling game play, receiving a score, determining a winner, and generating data indicative of value payout. The Examiner will assume a tournament server comprising a controller including a processor and a memory receives an identifier, determines the identifier, determines duration of play, enables game play, receives a score, determines a winner, and generates data indicative of value payout (as indicated in Applicant's Specification, paragraph 10). Furthermore, Applicant has amended the claim to, "receiving an identifier from a first gaming unit selected by a player to play in a tournament." However, it is not clear if the player selects the identifier or if the player selects the first gaming unit. The Examiner will assume the player selects the first gaming unit.

Due to the large number of 35 US 112 issues, the claims will be examined based on the Examiner's best understanding of the claims.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-15, 17-29, 61-68 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Walker'163 (US 6,077,163) in view of Walker'486 (6,224,486), in

view of Walker'173 (US 2002/0013173), and in view of Shulman (US 2002/0123377).

1, 62-63. Walker'163 discloses a gaming method and a game apparatus system,

comprising: a network server (106 in Fig. 1) receiving an identifier (cols. 4:45-49, 6:1-

12) from a gaming unit (cols. 3:52-56, 5:15-21) selected by a player to play in a

tournament (player selects the gaming unit if the player decides to play on the gaming

unit), wherein the identifier is associated with a game card (col. 4:49-53), wherein the

game card is provided to a player in response to paying a fee (Player tracking game

card is associated with player credit information, cols. 3:36-39, 6:5-6); the network

server determining whether the identifier received is authentic (network server verifies

the player identifying information, col. 3:55-56); a processor to determine a duration the

player may play the game (col. 6:36-55); the processor to enable the gaming unit for

player during the duration (col. 2:3-27), wherein enabling of the first gaming unit

comprises loading gaming software to the first gaming unit in order to configure the first

gaming unit for playing (electronic gaming unit 102 loads gaming software for playing a

game, cols. 3:63-4:5); a processor to determine a winner of the game generate a value

payout to be awarded to the winning player (col. 4:15-25). Walker'163 further teaches

the gaming method and the gaming apparatus system is used to play tournaments (col.

1:23-41), fails to specifically teach the network server is a tournament server. However,

in an analogous art, Walker'486 teaches a gaming method and a gaming apparatus

system, in which players participate in a tournament through input/output devices (gaming unit) connected to a central controller (tournament server) which manages the tournament (Walker'486, cols. 3:65-4, 12:40-49). Similarly to Walker'163's network server, Walker'486's tournament server (Walker'486, col. 5:16-23) receives a player's identifier (Walker'486, col. 6:33-49) from a gaming unit (Walker'486, col. 6:30-31), and authenticates the identifier (by accessing a database and determining if the player is eligible to play, Walker'486, cols. 6:38-7-20). The tournament server comprises a tournament database (Walker'486, col. 7:5-9), which keeps track of player's game data such as player's credits, payer performance data, and player preferences (Walker'486, col. 7:10-39). Furthermore, Walker'486 discloses the gaming unit loads gaming software to configure the gaming unit for playing in the tournament (Walker'486, col. 14:25-58). Therefore it would have been obvious to one of ordinary skilled in the art at the time the invention was made to modify Walker'163 gaming method and gaming apparatus system and incorporate a tournament server in order to play in tournaments as suggested by Walker'163 (col. 1:23-41) and Walker'486 (cols. 3:65-4, 12:40-49). A tournament server would allow a plurality of remote gaming units to participate in the tournament, and simplify the collection of entry fees and payment of prizes, as well as allowing for rating and handicap systems (Walker 486, col. 3:65-4:4).

Walker'163 in view of Walker'486 discloses the claimed invention as discussed above, but fails to teach the first gaming unit is not configured for playing in the tournament when the first gaming unit is selected by the player, wherein the tournament is in progress when the identifier is received, and configuring the first gaming unit for

playing in the tournament in response to receiving the identifier when the identifier is determined to be authentic, thereby allowing the player to use the first gaming unit to join the tournament is progress. However, as discussed in the 35 USC 112 rejections above, this embodiment of configuring the first unit for playing in the tournament in response to receiving the identifier when the identifier is determined to be authentic is not described in Applicants' specification. Nevertheless, configuring a gaming machine to play a particular game would have been obvious to one of ordinary skilled in the art. In analogous art to method of playing a game, Walker'173 discloses a method of configuring a gaming machine (paragraphs 28, 69) upon an identifier (paragraphs 67-68). The identifier or identification number is associated with a player tracking card (paragraph 67). After the player identification number is then authenticated (paragraphs 35, 67), the gaming machine is configured according the player's information (paragraphs 28, 69-78). The player information may configure the gaming machine to play certain games (game eligibility, paragraphs 28, 48, 62). When combining with Walker'163 in view of Walker'486's method of playing a playing a tournament, the game eligibility will be the tournament eligibility. Thus the gaming machine will be configured to play the tournament. This allows the player to play on any gaming machine within the casino or gaming center. Therefore it would have been obvious to one of ordinary skilled in the art at the time the invention was made to modify Walker'163 in view of Walker'486's invention, and incorporate Walker'173's method of configuring a gaming machine, in order to allow the user to play a tournament using any gaming machine within the casino.

Walker'163 in view of Walker'486, in view of Walker'173 discloses the claimed

invention as discussed above but fails to teach the player may play in the tournament in

progress, based on the time remaining the tournament. However, as discussed in the

35 USC 112 rejections above, it is not clear how these separate embodiments are

incorporated into one invention. Nevertheless, it would have been obvious to modify

Walker'163 in view of Walker'486, in view of Walker'173 and have an embodiment

wherein the duration of play is based on the time remaining in the tournament. In an

analogous art to methods of play games and tournaments, Shulman discloses a method

of determining the player to play in a tournament in progress, based on the time

remaining in the tournament. More specifically, Shulman discloses a player can join the

tournament after observing the tournament that's in progress (paragraphs 12, 16-18,

31). The player can play in the tournament until the tournament ends. This allows the

player to observe the game, including the type of player, their betting habits, and the

aggressiveness of their play before joining the tournament (paragraph 16). Therefore it

would have been obvious to one of ordinary skilled in the art at the time the invention

was made to modify Walker'163 in view of Walker'486, in view of Walker'173's method

of playing a game, and incorporate Shulman's method of playing in a tournament in

progress for the time remaining in the tournament, in order to allow a player to

participate in a tournament after the player has observed the game.

Walker'163 in view of Walker'486, in view of Walker'173's and in view of

Shulman discloses the following:

2. A gaming method according to claim 1, wherein the identifier is printed on the tournament game card (Walker'163, col. 4:42-53; Walker'486, col. 7:15-20).

3. A gaming method according to claim 1, wherein the identifier is electronically encoded on the tournament game card (Walker'163, col. 4:42-53).

4, 22. The duration comprises an amount of time (Walker'163, col. 3:6-30).

5, 23. The duration comprises a number of games (handles pulled, Walker'163, col. 3:6-30).

6, 24. Determining the duration based on the identifier comprises retrieving the duration from storage based on the identifier (Walker'163, col. 3:6-39; and Walker'486, cols. 6:49-7:20).

7, 35. Determining the duration based on the identifier comprises decoding the identifier to determine the duration (Walker'163, cols. 3:6-39, 4:42-65; and Walker'486, cols. 6:49-7:20)..

8, 26. The duration comprises an amount of time, the method further comprising: initializing a timer with the determined amount of time; starting the timer; wherein

enabling the first gaming unit comprises enabling the first gaming unit for play in the tournament while the timer is running; stopping the timer after the timer has run for the determined amount of time (Walker'163, cols. 5:5-14, 12:43-51, 13:5-55)

9, 27. Stopping the timer at a request of the player; and restarting the timer at a request of the player if the timer has not run for the determined amount of time (Walker'163, cols. 5:5-14, 12:43-51, 13:5-55).

10, 28, 65. A gaming method according to claim 9, further comprising: storing an indication of a remaining amount of time for the player to play in the tournament after the timer stops; and re-initializing the timer based on the stored indication of the remaining amount of time before the timer restarts (Walker'163, cols. 5:5-14, 12:43-51, 13:5-55).

11, 29, 66. Receiving the identifier from a second gaming unit after the timer stops; determining whether the identifier received from the second gaming unit is authentic; wherein re-initializing the timer comprises re-initializing the timer if the identifier received from the second gaming unit is authentic; and enabling the second gaming unit for play in the tournament while the timer is running (resume play at another slot machine, Walker'163, cols. 5:5-14, 12:43-51, 13:5-55).

12. A gaming method according to claim 11, wherein the timer comprises a first timer implemented by the first gaming unit and a second timer implemented by the second gaming unit; wherein initializing the timer comprises initializing the first timer; wherein enabling the first gaming unit comprises enabling the first gaming unit while the first timer is running; wherein re-initializing the timer comprises initializing the second timer; and wherein enabling the second gaming unit comprises enabling the second gaming unit for play in the tournament while the second timer is running (resume play at another slot machine, Walker'163, cols. 5:5-14, 12:43-51, 13:5-55).

13. A gaming method according to claim 8, wherein the timer is implemented, at least in part, by the first gaming unit (Walker'163, 12:43-51).

14. A gaming method according to claim 8, wherein the first gaming unit is operatively coupled to the tournament game card, wherein the timer is implemented, at least in part, by the tournament game card (player tracking device is associated with player credits/flat rate remaining, Walker'163, cols. 5:5-14, 12:43-51, 13:5-55).

15. A gaming method according to claim 8, wherein the timer is implemented, at least in part, by the tournament server (database server keeps track of player credits/and flat time remaining, Walker'163, cols. 5:5-14, 12:43-51, 13:5-55).

17. A gaming method according to claim 16, wherein the gaming software comprises at least one of an executable file, a configuration file, a data file, a pay table, and a plurality of seeds for a random number generator (The central controller has software to manage the tournament, Walker'486, col. 5:32-34. An executable file, configuration file, a data file, a pay table, and plurality of seeds for a random number generator are necessary to manage a slot machine tournament.).

18. A gaming method according to claim 1, wherein the tournament game card comprises at least one of a magnetic swipe card, a smart card, a PC card, and a portable memory device (Walker'163, col. 4:43-53).

19. A gaming method according to claim 1, wherein receiving the tournament score of the player comprises receiving the tournament score of the player before the timer has stopped (Duration is based on score/winning outcomes. Thus the score is tracked before the timer has stopped, Walker'163, col. 3:6-30. Furthermore, player's performance data is received from the database, Walker'486 col. 7:21-26).

20. A gaming method according to claim 1, wherein receiving the tournament score of the player comprises receiving the tournament score of the player after the timer has stopped   (Scores are received after the end of the game player to award the winning player).

21, 61, 67. See rejection for claim 1, and the cited references for the structural limitations of the tournament server.

64. Determining whether the tournament identifier has been received within a acceptable time window allocated for tournament play (the player can provide the identifier and enter the tournament when the tournament beings and until the tournament ends).

68. See claim 67 above. Furthermore, Walker'163 in view of Walker'486, in view of Walker'173's and in view of Shulman discloses the claim invention as discussed above (see claim 67). Shulman further discloses the gaming unit is a personal computer that is commercially available (paragraph 23). However, Walker'163 in view of Walker'486, in view of Walker'173's and in view of Shulman fails to specifically teach that the computing system includes a portable gaming device. Nevertheless it is notoriously well known in the art that personal computers are available in portable forms. Portable computers (known as laptops or notebooks) allow the user to easily carry the computer to various locations. This will allow the user to play in the tournament at various locations. Therefore it would have been obvious to one of ordinary skilled in the art at the time the invention was made to modify Walker'163 in view of Walker'486, in view of Walker'173's and in view of Shulman's computing system, and incorporate a portable gaming device in order to allow the player to easily carry the gaming device to various locations, and play at various locations.

Response to Arguments

Applicant's arguments with respect to claims 1-15, 16-29, 61-68 have been considered but are moot in view of the new ground(s) of rejection.

Regarding the 112, rejection Applicants argue that as a computer-implemented method, claim 1 recites a process that can be performed by a computer device. However, the claim does not recite "a process that can be performed by a computer device." This rejection is made because it is not clear if all the steps are performed by the same computer device or only certain steps are performed by the computer device.

Regarding claim 1, Applicants argue that Walker'163 does not teach the identifier is determined to be authentic. However Walker'163 discloses the identifier is verified. As in, the identifier is true, or the identifier is not made up. This can be interpreted that the identifier is authentic. Furthermore, Walker'173 specifically discloses the identifier is determined to be authentic.

Applicants argue that Walker'163 does not teach configuring gaming software because a mere assertion that software can be loaded does not address this claimed feature. However, Applicants specifically disclose that Applicants' gaming unit is configured by software. Nonetheless this limitation has been amended, and the amended limitations have been addressed above.

Regarding the other arguments Applicants has made, it is difficult to address the arguments due to the 112 issues as discussed above.

It is noted that Applicants have not provided arguments on why the added amended features and the newly added claims overcome the prior art. Future amendments without addressing why the amendments overcome the prior art will be considered to be non-responsive. The Examiner also requests that Applicants provide support for each limitation in future amendments. The Examiner also request that Applicant provide support on how the claimed limitations are addressed to one embodiment of the invention as supported by the originally filed specification.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jasson H. Yoo whose telephone number is (571)272-5563. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan M. Thai can be reached on (571)272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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